

APPENDIX D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--------------------------------------|---|---------------|
| PAUL COX, individually and on behalf |) | |
| of the classes defined herein, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 08 C 1005 |
| |) | |
| UNIFUND CCR PARTNERS; |) | |
| CREDIT CARD RECEIVABLES |) | |
| FUND, INC., and |) | |
| ZB LIMITED PARTNERSHIP, |) | |
| |) | |
| Defendants. |) | |

**DEFENDANT UNIFUND'S SUPPLEMENTAL ANSWERS TO CERTAIN
REQUESTS FOR ADMISSION**

Defendant Unifund CCR Partners (hereinafter referred to as "Unifund") hereby submits its supplemental answers to certain requests for admissions as follows:

6. Unifund CCR Partners pays an average of less than ten cents on the dollar for the debts it purchases.

ANSWER: Unifund purchases its debts in batches and pays a certain price (different for each batch) for the entire batch and, at the time of purchase, there is no way to determine or calculate the amount paid for each debt purchased. Therefore, Defendant denies this request for admission.

7. More than 50% of the debts purchased by Unifund CCR Partners are credit card debts.

ANSWER: Defendant objects to this request as calling for information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and calling for confidential and proprietary business information. Without waiving the foregoing objections, Defendant states that the type of debts that Unifund purchases varies from purchase to purchase. Answering further, Defendant states that – as to the persons "potentially" included in purported "Class 1" and "Class 2" – more than 50% of those debts are credit card debts.

11. Unifund filed more than 500 lawsuits in the Circuit Court of Cook County during 2007. Others were filed in other Illinois counties.

ANSWER: Admit that Unifund, through its local collection counsel, filed more than 500 lawsuits in the Circuit Court of Cook County during 2007 and that other lawsuits were filed in other Illinois counties.

17. More than 100 examples of Appendix A have been attached to collection complaints.

ANSWER: The document in Appendix A varies from debtor to debtor, but Defendant admits that the majority of the language used and included in Appendix A has been used and included in an exhibit attached to over 100 collection complaints.

26. There are at least 40 (a) natural persons (b) with respect to whom defendant Unifund CCR Partners filed a lawsuit (c) attaching a document in the form represented by Appendix A (d) which document was not sent to the addressee prior to the filing of the suit (e) where the lawsuit was filed or served during a period beginning on February 19, 2007 (a date one year prior to the filing of this action) and ending March 10, 2008 (a date 20 days after the filing of this action).

ANSWER: Defendant admits that there are at least 40 (a) natural persons (b) with respect to whom defendant Unifund CCR Partners filed a lawsuit (c) attaching a document in the form represented by Appendix A (e) where the lawsuit as filed or served during a period beginning on February 19, 2007 (a date one year prior to the filing of this action) and ending March 10, 2008 (a date 20 days after the filing of this action). Defendant cannot truthfully admit or deny that, in addition to the above statement, that this statement is also correct as to (d) – that the document was not sent to the addressee prior to the filing of the suit. Therefore, Defendant denies all allegations that it does not specifically admit.

27. There are at least 100 (a) natural persons (b) with respect to whom defendant Unifund CCR Partners filed a lawsuit (c) attaching a document in the form represented by Appendix A (d) which document was not sent to the addressee prior to the filing of the suit (e) where the lawsuit was filed or served during a period beginning on February 19, 2007 (a date one year prior to the filing of this action) and ending March 10, 2008 (a date 20 days after the filing of this action).

ANSWER: Defendant admits that there are at least 100 (a) natural persons (b) with respect to whom defendant Unifund CCR Partners filed a lawsuit (c) attaching a document in the form represented by Appendix A (e) where the lawsuit as filed or served during a period beginning on February 19, 2007 (a date one year prior to the filing of this action) and ending March 10, 2008 (a date 20 days after the filing of this action). Defendant cannot truthfully admit or deny that, in addition to the above statement, that this statement is also correct as to (d) – that the document was not sent to the addressee prior to the filing of the suit. Therefore, Defendant denies all allegations that it does not specifically admit.

28. There are at least 40 (a) individuals with Illinois addresses (b) against whom defendant filed suit on a credit card debt allegedly originated by First USA Bank (c) where both the date of charge off and the date of last payment, as shown by defendant's records, were more than five years prior to the date of filing, (d) where the lawsuit was filed or served on or after on February 19, 2007 (a date one year before the filing of this action) and prior to March 10, 2008 (a date 20 days after the filing of this action), and (e) defendant did not attach to the complaint a written contract signed by both the original creditor and the putative debtor.

ANSWER: Defendant cannot truthfully admit or deny this request for admission because discovery and investigation into this issue are currently still pending and, therefore, Defendant is currently without knowledge of the same. Therefore, Defendant denies all allegations that it does not specifically admit.

As further explanation, Defendant is currently aware of only five (5) (a) individuals with Illinois addresses (b) against whom defendant filed suit on a credit card debt allegedly originated by First USA Bank (c) where the

date of last payment, as shown by Defendant's collection counsel's records, was more than five years prior to the date of filing, (d) where the lawsuit was filed or served on or after February 19, 2007 (a date one year before the filing of this action) and prior to March 10, 2008 (a date 20 days after the filing of this action), and (e) there is no written contract attached to the complaint signed by both the original creditor and putative debtor. There are forty (40) cases in which the "last payment date" listed in Defendant's collection counsel's records is a date after the filing of the collection suit. Defendant is currently reviewing its records on those cases to determine the last payment date for the last payment made before the filing of the collection suit.

29. There are at least 100 (a) individuals with Illinois addresses (b) against whom defendant filed suit on a credit card debt allegedly originated by First USA Bank (c) where both the date of charge off and the date of last payment, as shown by defendant's records, were more than five years prior to the date of filing, (d) where the lawsuit was filed or served on or after on February 19, 2007 (a date one year before the filing of this action) and prior to March 10, 2008 (a date 20 days after the filing of this action), and (e) defendant did not attach to the complaint a written contract signed by both the original creditor and the putative debtor.

ANSWER: Denied.

30. Unifund's net worth is more than \$50,000.

ANSWER: Defendant objects to the term "net worth" as vague, undefined, and unspecific as to time. Defendant further objects to this request as calling for information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, and calling for confidential business information. Without waiving the foregoing objections, Defendant denies the request because Unifund's net worth, however defined, varies periodically based on collections, liabilities, and distributions, and may or may not exceed the specified amount at any given time.

31. Unifund's net worth is more than \$1,000,000.

ANSWER: Deny, with objections. *See* answer and objections to Request No. 30 above.

32. Unifund's net worth is more than \$10,000,000.

ANSWER: Deny, with objections. *See* answer and objections to Request No. 30 above.

33. Unifund's net worth is more than \$50,000,000.

ANSWER: Deny, with objections. *See* answer and objections to Request No. 30 above.

Swanson, Martin, & Bell, LLP

/s/ Kathleen A. Kelley
One of the Attorneys for Defendants

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CERTIFICATE OF SERVICE

I, Kathleen A. Kelley, certify that I served this document (Defendant Unifund CCR Partners' Supplemental Answers to Plaintiff's Requests for Admission) upon the following:

Daniel A. Edelman
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via email on this 17th day of June, 2008.

/s/ Kathleen A. Kelley

[x] Under penalties as provided by law, I certify that the statements set forth herein are true and correct.